

HellerEhrman Venture Law Group
ATTORNEYS

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Facsimile Transmittal **RECEIVED**
CENTRAL FAX CENTER

JUN 24 2004

OFFICIAL

To: Examiner Marvich, USPTO
Telephone:

Fax: 703/872-9306

From: Cheryl Rogers
Telephone: 650-324-7124
Direct Fax: 650-324-0638

No. of Pages: 15 (including cover)
Date: June 24, 2004

39753.0021

Message:

Dear Examiner Marvich,

Per your request of yesterday, I have enclosed with this facsimile the following documents:

From Application Serial No. 09/875,305 (our docket number 39753-0021C3):

1. Copy of returned date-stamped postcard;
2. Copy of Transmittal; and
3. Copy of Request for 3-month EOT.

From new continuation Application Serial No. 10/805,994:

1. Copy of returned date-stamped postcard;
2. Copy of Utility Application Transmittal;
3. Copy of Fee transmittal;
4. Copy of Information Disclosure Statement; and
5. Copy of Preliminary Amendment.

Since this new application is a continuation of 09/875,305, we have not included copies of the patent application, drawings, assignment, or DEC/POA.

If you have any questions or require additional information, please contact me.

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (650) 324-7000.

Heller Ehrman White & McAuliffe LLP www.hewm.com

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington, D.C. Madison, WI
Hong Kong Beijing Singapore Affiliated Offices: Milan Paris Rome

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACKNOWLEDGMENT AND RECEIPT FOR FILING**

Applicant: **DZAU, et al.** Serial No. **09/875,305**
Filing Date: **June 5, 2001** Examiner **Marvich, Maria**
Title: **THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO**

- ☒ Transmittal;
- ☒ Request for 3-month Extension of Time to file; and
- ☒ Authorization to charge Deposit Acct. No. 08-1641 in the amount of \$475 for 3-month Extension of Time filing fee.

Attorney Docket No.: 39753-0021C3
Date: May 20, 2004
GRD/car

VIA EXPRESS MAIL NO. EL 993 688 346 US

RECEIVED BY THE UNITED STATES PATENT OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victor J. Dzau, et al. Docket No.: 39753-0021 C3
Serial No.: 09/875,305 Group Art Unit: 1636
Filing Date: June 5, 2001 Examiner: Marvich, Maria
For: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

- ☒ Transmitted herewith are the following documents:
- (1) Transmittal;
 - (2) Petition for Extension of Time; and
 - (3) Authorization to charge Deposit Account No. 08-1641 in the amount of \$475 for 3-month Extension of Time to file.
- ☒ The Commissioner is authorized to charge any required fees, or credit any overpayment to Deposit Account No. 08-1641 (Atty. Docket No. 39753-0021 C3).
- ☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

Date: May 20, 2004

Daphne Reddy
Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN WHITE & MCAULIFFE LLP

Customer No. 25213
275 Middlefield Road
Menlo Park, CA 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on May 20, 2004 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as Express Mail No. EL 993 688 346 US addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 20, 2004

Cheryl Ann Rogers
Cheryl Ann Rogers

005

GRD

THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACKNOWLEDGMENT AND RECEIPT FOR FILING

Applicant: VICTOR J. DZAU Serial No. Not Assigned
Filing Date: May 20, 2004 Examiner Not Assigned
Title: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN
VIVO

- ☒ Utility transmittal;
- ☒ Fee transmittal;
- ☒ 21 pages of Specification, claims & abstract;
- ☒ 5 sheets of informal drawings;
- ☒ Request to Use Computer Readable Sequence Listing w/3 pages of Sequence Listing;
- ☒ Copy of DEC/POA from parent application;
- ☒ Copy of Recorded Assignment from parent application;
- ☒ IDS/1449 (4 pages);
- ☒ Preliminary Amendment; and
- ☒ Authorization to charge Deposit Acct. No. 08-1641 in the amount of \$385.00 for new application filing fee.

Attorney Docket No.: 39753-0021 C5
Date: May 20, 2004
DRG/car

VIA EXPRESS MAIL NO. EL 977 677 438 US

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22278 U.S. PTO
10/850994



052004

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JUN 02 2004

H.E.W.M. LLP

DOCKETED

PTO/SB/05 (01-04)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 39753-0021 C4

First Inventor VICTOR J. DZAU

Title THERAPEUTIC USE OF CIS-ELEMENT
DECOYS IN VIVO

Express Mail Label No. EL 877 677 438 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 2]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Sheets 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)

- b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper

- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS) PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:


18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-In-part (CIP) of prior application No.: 09/875,305 Filed: June 5, 2001

Prior application information: Examiner MARVICH, MARIA Art Unit: 1636
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 25213 OR ☐ Correspondence address below

Name	Heller Ehrman White & McAuliffe LLP				
Address	275 Middlefield Road				
City	Menlo Park	State	California	Zip Code	94025-3506
Country	USA	Telephone	(650) 324-7000	Fax	(650) 324-0638
Name (Print/Type)	GINGER R. DREGER		Registration No. (Attorney/Agent)	33,055	
Signature			Date	MAY 20, 2004	

This collection of information is required by 37 CFR 1.63(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 385**Complete if Known**

Application Number	Not Assigned
Filing Date	05/20/04
First Named Inventor	VICTOR J. DZAU
Examiner Name	Not Assigned
Art Unit	Not Assigned
Attorney Docket No.	39753-0021 C4

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

08-1641 (39753-0021 C4)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			385

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid

Total Claims -20** = X =

Independent Claims -3** = X =

Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) -0-**SUBMITTED BY**Name (Print/Type) **GINGER R. DREGER**

Registration No. (Attorney/Agent)

33,055

(Complete if applicable)

Telephone **(650) 324-7000**

Signature

Date

MAY 20, 2004**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dzau et al. Docket No: 39753-0021 C4
Serial No: Unassigned (continuation of Application Serial No. 09/875,305) Group Art: Unassigned (parent application Art Unit: 1636)
Filed: May 20, 2004 Unit: Unassigned (parent application Examiner: Maria Marvich)
Examiner: Unassigned (parent application Examiner: Maria Marvich)

OFFICIAL

For: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO

Express Mail No. EL 977 677 438 US

Mailing Date: May 20, 2004

PRELIMINARY AMENDMENT

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present Preliminary Amendment is filed concurrently with the filing of a continuation of application Serial No. 09/875,305 filed on June 5, 2001.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on 4 of this paper.